



September 23, 2021

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Space Exploration Holdings, LLC, IBFS File Nos. SAT-LOA-20200526-00055 and
SAT-AMD-20210818-00105

Dear Ms. Dortch:

EchoStar Satellite Services L.L.C. and Hughes Network Systems, LLC (collectively, “EchoStar/Hughes”) respectfully submit this *ex parte* supporting the overall conclusions of both Kuiper Systems LLC (“Kuiper”) and Viasat Inc. (“Viasat”) regarding the above-referenced Space Exploration Holdings, LLC (“SpaceX”) application.¹ As demonstrated herein, SpaceX’s amended filing to operate one of two configurations of its “second generation” Non-Geostationary Orbit (“NGSO”) system should be dismissed because it does not comply with Part 25 of the Commission’s Rules.

The FCC’s Rules require applicants for satellite system licenses to provide a complete, single-system proposal to the Commission for consideration.² SpaceX’s filing of two different satellite network configurations in a single application is inconsistent with FCC Rules. Viasat correctly points out that the Commission eliminated the potential for “alternative” proposals in satellite applications in *Space Station Licensing Reform Order* and *Comprehensive Review of Licensing and Operating Rules for Satellite Services*.³ Moreover, Section 25.159(b) prohibits “applicants with an application for one NGSO-like satellite system on file with the Commission in a particular frequency band” from filing for another NGSO license in the same frequency band.⁴

SpaceX itself has acknowledged that its amendment is inconsistent with FCC Rules but failed to justify why such a deviation is permissible. In its application, SpaceX states that the request to review two applications is “not common” but explains that satellite operators should not have concerns with the application because alternative proposals are allowed in the International Telecommunication Union

¹ See Letter from Kuiper Systems LLC to FCC, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Aug. 25, 2021); Letter from Kuiper Systems LLC to FCC, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Sep. 8, 2021); *see also* Letter from Viasat Inc. to FCC IBFS File Nos. SAT-LOA-20200526-00055 and SATAMD-20200818-00105 (Sep. 10, 2021) (“Viasat *ex parte*”).

² See Aug. 25 Kuiper letter at 1-2; *see also* 47 C.F.R. 25.112(a)1 and 25.114(a)(1).

³ See Viasat *ex parte* at 2; *see also* Amendment of the Commission’s Space Station Licensing Rules and Policies, 18 FCC Rcd 10760, at 158 (2003); *see also* Comprehensive Review of Licensing and Operating Rules for Satellite Services, 28 FCC Rcd 12403, at 85 (2013).

⁴ See 47 C.F.R. 25.159(b).

(ITU) filing process.⁵ The ITU filing requirements should not be factored into the FCC’s decision because SpaceX’s application is subject to FCC Rules and procedure—not the ITU’s. SpaceX must meet the requirements of the FCC when filing for FCC license approval.⁶

SpaceX, at a minimum, should have applied for a waiver of FCC Rules 25.112(a)(1) and 25.114(a)(1). In addition, as part this showing, SpaceX should explain how two configurations in a single application benefits the public interest in order to justify the waiver.⁷

As demonstrated herein, the FCC should dismiss SpaceX’s amended filing on the grounds that it is inconsistent with FCC procedure. Alternatively, the FCC should require SpaceX to revise its application and file for a waiver of FCC Rules 25.112(a)(1) and 25.114(a)(1) before the application is accepted for filing.

Respectfully submitted,

/s/

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⁵ See *Space Exploration Holdings, LLC, Amendment*, IBFS File No. SAT-AMD-20210818-00105, filed August 18, 2021 (“*SpaceX Amendment*”) at 9-10.

⁶ See SpaceX Comments, *In the Matter of Streamlining License Procedures for Small Satellites*, IB Docket No. 18-86 (July 2018) (“*SpaceX Comments*”). SpaceX asserted that Section 25.159 of the FCC’s Rules prevents small satellite companies from pushing the streamlined applications Rules beyond their “appropriate scope” by creating a larger NGSO system from numerous small sat applications. See *SpaceX Comments* at 8. SpaceX’s amendment also falls outside the scope of the Rules because even though SpaceX is seeking approval for one configuration, its application still has two configurations within the same band.

⁷ EchoStar/Hughes argues that SpaceX’s amendment goes against the public interest because industry members are burdened with analyzing a decision SpaceX has yet to make.